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4 Attorney for Defendant, PAUL WHITMORE

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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 PAUL WHITMORE,

13 Defendant.

CASE NO: CRF-02-5301 OWW

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**STIPULATION AND ORDER
TO CONTINUE HEARING ON
DEFENDANT'S MOTION TO
VACATE FEDERAL CONVICTION**

The parties hereto, by and through their respective attorneys, stipulate and agree that the hearing scheduled for November 26, 2007, be continued until January 7, 2008 at 1:30 p.m. in the above-entitled court.

The parties agree to the following briefing schedule: Defendant Paul Whitmore shall have until November 26, 2007 to file any supplemental pleading addressing the issues, as requested by the court at the hearing on September 4, 2007. The government shall have until December 24, 2007 to submit a response to Mr. Whitmore's submission.

This stipulation is necessary to permit the parties to determine whether a resolution of the issues central to the pending motion, now before this court, can be accomplished by the parties by means of direct negotiations with state and federal authorities.

The parties also agree that any delay resulting from this continuance shall be excluded in the interest of justice pursuant to 18 U.S.C. §§3161(h)(1)(F),

1 3161(h)(8)(A) and 3161(h)(8)(B)(I).

2 DATED: October 29, 2007

/s/ David Gappa

3 DAVID GAPPA

4 Assistant United States Attorney

**This was agreed to by Mr. Gappa
via telephone, on October 29, 2007**

6 DATED: October 29, 2007

/s/ Roger K. Litman

7 ROGER K. LITMAN

8 Attorney for Defendant

9 PAUL WHITMORE

10 **ORDER**

11 The court having considered the stipulation of the parties and GOOD CAUSE
12 APPEARING, the court now orders that the sentencing hearing currently scheduled
13 for November 26, 2007 be continued to January 7, 2008 at 1:30 p.m.
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15 IT IS SO ORDERED.

16 Dated: October 29, 2007

/s/ Oliver W. Wanger

17 UNITED STATES DISTRICT JUDGE
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